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UNITED STATES PROBATION OFFICE
DISTRICT OF NEVADA
M E M O R A N D U M

RE: ROBERT CROSBY

CASE NO.: MAG 02-264-M-LRL

SUPERVISION REPORT
REQUEST FOR MODIFICATION OF RELEASE CONDITIONS

January 12, 2006

TO: THE HONORABLE LAWRENCE R. LEAVITT
United States Magistrate Judge

On May 7, 2004, Robert Crosby appeared before Your Honor for sentencing following his conviction for Operating a Vessel Under the Influence of Alcohol or Controlled Substance and Operating a Vessel in a Negligent Manner. He was sentenced to five years probation. On April 15, 2005, conditions of probation were modified to include eight (8) days in custody for violation conduct related to the consumption and smuggling of alcohol into the halfway house.

The Ninth Circuit Court decision in *U.S. v. Stephens* requires that the Court establish parameters for drug testing when an offender is not actively participating in substance abuse treatment. Consistent with the Appellate Court's finding, the probation officer recommends that conditions of release be modified to include drug testing, not to exceed 104 tests per year. This modification will increase our ability to detect drug and alcohol abuse following the offender's transition from a treatment program. Crosby does not oppose the modification as indicated by his signature on the enclosed Waiver of Hearing form.


PRAYING THAT THE COURT WILL ORDER THAT CONDITIONS OF SUPERVISION BE MODIFIED TO INCLUDE: YOU SHALL SUBMIT TO DRUG/ALCOHOL TESTING AS DIRECTED BY THE PROBATION OFFICER, NOT TO EXCEED 104 TESTS PER YEAR.

ORDER OF COURT: Supervision Modified

Considered and ordered this _____ day of _____, 2006, and ordered filed and made a part of the records in the above case.


Lawrence R. Leavitt
United States Magistrate Judge

Respectfully submitted,



Chad R. Boardman
United States Probation Officer

Date: January 12, 2006

Reviewed by: 
D. Patrick Foy
Supervising U.S. Probation Officer

PROB 49
(3/89)

UNITED STATES DISTRICT COURT

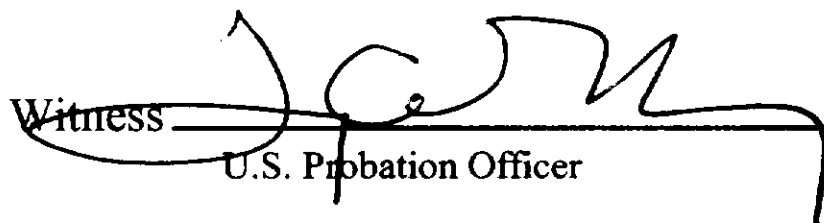
District of Nevada

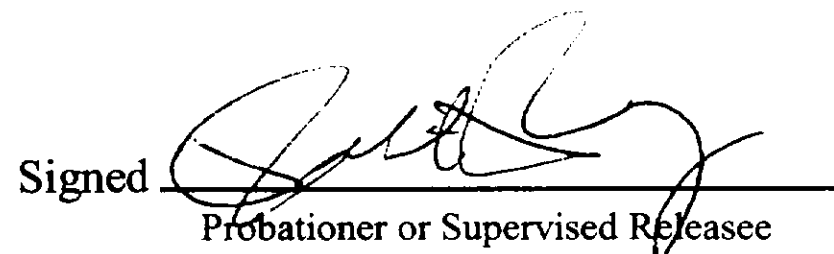
Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Drug/Alcohol Testing** - You shall submit to drug/alcohol testing as directed by the probation officer not to exceed 104 tests per year.

Witness 
U.S. Probation Officer

Signed 
Probationer or Supervised Releasee

12.22.05
Date

